



United States Attorney
Southern District of New York

The Jacob K. Javitz Federal Building
26 Federal Plaza, 37th Floor
New York, New York 10278

March 27, 2025

BY ECF

The Honorable Jessica G.L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Malvasio, et al., S1 23 Cr. 396 (JGLC)

Dear Judge Clarke:

The Government writes to update the Court regarding the status of discovery in the above-captioned matter. The Government has identified that it has yet to produce one search warrant return to defendants Malvasio and Marcus. As background, in 2023, the Government obtained and produced to the defendants search warrant returns relating to six Google email accounts that covered the period of approximately January 2018 through January 2023. That production consisted of over one million documents and was produced to defendants Marcus and Malvasio on or about September 22 and 25, 2023, respectively. In May 2023, the Government obtained an additional warrant for those same accounts that covered the period of approximately January 2023 through July 2023 (the “Additional Warrant”). Records received in response to the Additional Warrant include approximately 100,000 documents. The Government will produce a native version of the entirety of the Additional Warrant returns to Malvasio and Marcus tomorrow and anticipates that next week it will produce from its review database those of the Additional Warrant returns that were deemed responsive to the Additional Warrant.¹ The Government will work with defense counsel to assist their review of these documents, including by highlighting for defense counsel any documents received pursuant to the Additional Warrant that the Government intends to include on its exhibit list.

The Government is also in the process of producing discovery to defendant Polk. That discovery will include all discovery produced to Marcus and Malvasio and consists primarily of Google and Microsoft email account search warrant returns; Apple account search warrant returns; documents from third-party custodians received in response to grand jury subpoenas; and various

¹ The Government produced a copy of the Additional Warrant and the application in support of the Additional Warrant in its September 22 and 25, 2023 productions to Marcus and Malvasio.

information provided to the Government by victims of the scheme. The Government expects to complete that process within two weeks.

Respectfully submitted,

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cc: Defense counsel (by ECF)